

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MISTY WHITE, et al.,

On behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

[1] HON. PAUL HESSE, in his official
capacity as Chief Judge of the 26th Judicial
District, and

[2] HON. KHRISTIAN STRUBHAR, in
her official capacity as Special Judge in the
Canadian County District Court,

Defendants.

Case No. 5:19-cv-1145-JD

DISCOVERY PLAN

Date of Conference: January 16, 2025

Appearing for Plaintiff: Trisha Trigilio, Megan Lambert

Appearing for Defendant: Erin Moore, Stefanie Lawson

Jury Trial Demanded - Non-Jury Trial

1. **BRIEF PRELIMINARY STATEMENT.** This case is a class action seeking injunctive and declaratory relief from unconstitutional bail orders issued at first court appearance.
2. **JURISDICTION.** This Court has jurisdiction under 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights).
3. **STIPULATED FACTS.** Defendants are open to proposed stipulations concerning the process for first court appearances. The parties are drafting proposed stipulations.

4. CONTENTIONS AND CLAIMS FOR DAMAGES OR OTHER RELIEF SOUGHT.

- a. Plaintiffs: Plaintiffs seek classwide injunctive and declaratory relief against the Chief Judge of the 26th Judicial District, and declaratory relief against the Special Judge conducting first court appearances in the Canadian County District Court, in their official capacities under 42 U.S.C. § 1983 for violations of the Due Process Clause and other claims the Court has dismissed.
- b. Defendants: Defendants do not seek affirmative relief in this matter.

5. APPLICABILITY OF FED. R. CIV. P. 5.1 AND COMPLIANCE.

Do any of the claims or defenses draw into question the constitutionality of a federal or state statute where notice is required under 28 U.S.C. § 2403 or Fed. R. Civ. P. 5.1?

Yes No

6. MOTIONS PENDING AND/OR ANTICIPATED (include date of filing, relief requested, and date responsive brief to be filed).

Plaintiffs' Motion for Class Certification (filed December 10, 2019). The parties propose that the amended motion is to be filed by February 6, 2025; responsive brief to be filed February 27, 2025; and optional reply brief to be filed by March 6, 2025.

Plaintiffs and Defendants anticipate filing a motion for summary judgment by the deadline for dispositive motions, proposed to be September 30, 2025.

7. COMPLIANCE WITH RULE 26(a)(1). Have the initial disclosures required by Fed. R. Civ. P. 26(a)(1) been made? Yes No

If "no," by what date will they be made? February 6, 2025

8. PLAN FOR DISCOVERY.

- A. The discovery planning conference (Fed. R. Civ. P. 26(f)) was held on January 16, 2025.
- B. The parties anticipate that discovery should be completed within 9 months.
- C. In the event ADR is ordered or agreed to, what is the minimum amount of time necessary to complete necessary discovery prior to the ADR session?

ADR is appropriate now without discovery.

D. Have the parties discussed issues relating to disclosure or discovery of electronically stored information, including the form or forms in which it should be produced, pursuant to Fed. R. Civ. P. 26(f)(3)(C)?

Yes No

E. Have the parties discussed issues relating to claims of privilege or of protection as trial-preparation material pursuant to Fed. R. Civ. P. 26(f)(3)(D)?

Yes No

To the extent the parties have made any agreements pursuant to Fed. R. Civ. P. 26(f)(3)(D) and Fed. R. Civ. P. 502(e) regarding a procedure to assert claims of privilege/protection after production and are requesting that the court include such agreement in an order, please set forth the agreement in detail below and submit a proposed order adopting the same.

A request for protective order is not being made at this time as it is anticipated that a protective order will only be necessary after subpoenas for data from certain non-parties are issued and those non-parties will need to be consulted.

F. Identify any other discovery issues which should be addressed at the scheduling conference, including any subjects of discovery, limitations on discovery, protective orders needed, or other elements (Fed. R. Civ. P. 26(f)) which should be included in a particularized discovery plan.

Plaintiffs will be seeking information for analysis from court and jail databases. Plaintiffs have requested that, to the extent Defendants contend that such databases are not in their possession, custody, or control for purposes of the Federal Rules of Civil Procedure, Defendants confer with Plaintiffs on the proper custodians to subpoena.

9. **ESTIMATED TRIAL TIME:** 1 week

10. **BIFURCATION REQUESTED:** Yes No

11. **POSSIBILITY OF SETTLEMENT:** Good Fair Poor

12. **SETTLEMENT AND ADR PROCEDURES:**

A. Compliance with LCvR 16.1(a)(1) - ADR discussion: Yes No

B. The parties request that this case be referred to the following ADR process:

Court-Ordered Mediation subject to LCvR 16.3

Judicial Settlement Conference

Other

None - the parties do not request ADR at this time.

13. Parties consent to trial by Magistrate Judge? Yes No

14. Type of Scheduling Order Requested. Standard - Specialized (If a specialized scheduling order is requested, counsel should include a statement of reasons and proposal.)

Submitted this 27th day of January 2025.

/s/ Trisha Trigilio

Trisha Trigilio (admitted pro hac vice)
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